

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK (BROOKLYN)

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UNITED STATES OF AMERICA, :Case No.: 22-cr-0458  
Plaintiff, :  
v. :Brooklyn, New York  
:March 20, 2024  
:Time: 11:42 a.m.-12:45 p.m.  
XIN JIN, also known as :  
HUI CHEN, :  
Defendants.:  
-----:

TRANSCRIPT AND STATUS CONFERENCE HEARING  
BEFORE THE HONORABLE SANKET J. BULSARA  
UNITED STATES MAGISTRATE JUDGE

APPEARANCES:

For Government: UNITED STATES ATTORNEY'S OFFICE  
BY: Miranda Gonzalez, AUSA  
271-A Cadman Plaza East  
Brooklyn, New York 11201

For Defendant: ZEMAN & WOMBLE, LLP  
Xin Jin BY: Kenneth Womble, Jr., Esq.  
20 Vesey Street - Room 400  
New York, New York 10007

Proceedings recorded by electronic sound recording;  
Transcript produced by transcription service

1 THE DEPUTY CLERK: We're here in criminal  
2 action 22-cr-458; United States versus Xin Jin.

3 Counsel, please state your appearance for the  
4 record starting with the government.

5 MS. GONZALEZ: Good morning, Your Honor. For  
6 the United States, Miranda Gonzalez.

7 MR. WOMBLE: Good morning, Your Honor. For  
8 Xin Jin Chen, last name is spelled C-H-E-N, Ken Womble.

9 THE COURT: Okay. Good morning. And you may  
10 be seated. And good morning, Mr. Chen.

11 And the interpreter has been previously sworn?

12 THE INTERPRETER: Yes, Your Honor.

13 THE COURT: Great.

14 THE INTERPRETER: My colleague is also here.

15 MS. FENG: Good morning, Your Honor.

16 THE COURT: Can you just state your name for  
17 the record.

18 MS. FENG: Yes, my name is Shi Feng, S-H-I,  
19 last name F-E-N-G.

20 THE INTERPRETER: And you also need my name?  
21 Nancy Wu.

22 THE COURT: Great.

23 MS. FENG: Good morning.

24 THE COURT: Good morning.

25 Ms. Gonzalez, I have a couple of questions

1 about Mr. Chen's plea agreement. In paragraph two for  
2 the conduct that Mr. Chen has agreed that would be  
3 deemed by him to have, as if he had been convicted of  
4 those counts, charging those offenses, do they  
5 correspond to particular counts in the indictment?

6 MS. GONZALEZ: Yes, they do, Your Honor.

7 So the first conduct, the bank fraud,  
8 corresponds with Count 4, for bank fraud. The second  
9 conduct, for operating an unlicensed money transmitting  
10 business, corresponds with Count 9 of the indictment.  
11 And then the third act for passport fraud corresponds  
12 with Count 29 of the indictment.

13 THE COURT: Okay. So the second question I  
14 have is about paragraph 17 in the plea agreement, and  
15 it's about the global resolution and whether or not Mr.  
16 Chen would get a different guidelines calculation if  
17 there's a global or there are pleas accepted by other  
18 defendants. The date here is February 29, 2024.  
19 Should that be a different date?

20 MS. GONZALEZ: No, Your Honor. That date is  
21 set, and not all of these defendants have yet pleaded.  
22 So that date has now come and gone. We have indicated  
23 to defense counsel for various defendants that we can  
24 have further discussions depending how the case unfolds  
25 and how other defendants plead. But for now, that date

1 has come and gone.

2 THE COURT: Okay. Is that a different way of  
3 saying that for now it would be appropriate to tell  
4 Mr. Chen that that two point reduction, the date for  
5 that possibility has come and gone?

6 MS. GONZALEZ: Correct, Your Honor.

7 THE COURT: Okay. And as of now, the  
8 government would not be making that motion?

9 MS. GONZALEZ: That's correct, Your Honor.

10 THE COURT: And, Mr. Womble, have you  
11 discussed that with your client?

12 MR. WOMBLE: Yes, Your Honor. We recognized a  
13 particular defendant on there which we were not  
14 particularly hopeful was going to reach a disposition  
15 in this case. So while we did review -- while I did  
16 review that with my client, he was made well aware that  
17 it was very unlikely that the terms of the plea in  
18 regards to paragraph 17 would be met.

19 THE COURT: Okay. And given the fact that as  
20 of now, the government would not be moving for an  
21 additional reduction in Mr. Chen's guidelines  
22 calculation based upon the resolution contemplated in  
23 17.

24 Does Mr. Chen still wish to go forward with  
25 his plea in this case?

1 MR. WOMBLE: Yes, Your Honor.

2 THE COURT: Okay.

3 Mr. Chen, I'm advised by your lawyer that  
4 you -- I'm sorry. I just want to ask one other  
5 question.

6 Ms. Gonzalez, is the indictment the current  
7 operative charging instrument?

8 MS. GONZALEZ: It is, Your Honor.

9 THE COURT: Okay. And Mr. Chen was arraigned  
10 on that instrument?

11 MS. GONZALEZ: Yes, he was.

12 THE COURT: Okay. Mr. Chen, just so you  
13 understand what was going on, I just was asking some  
14 questions of the government and your lawyer to make  
15 sure that when I explain to you what it means to plead  
16 guilty, I'm giving you the most up-to-date information,  
17 and I'm describing everything correctly and accurately,  
18 as both the government understands it and as well as  
19 your lawyer understands it, okay.

20 But each of the items I've discussed with you,  
21 with them just now, I'll be going over with you, so you  
22 need not worry if you haven't followed it thus far,  
23 okay.

24 Mr. Chin, I understand from your lawyer that  
25 you wish to plead guilty to one of the charges in the

1 indictment that's been filed against you; is that  
2 correct?

3 THE DEFENDANT: Correct.

4 THE COURT: Okay. This is a serious decision.  
5 I have to make sure you understand what it means to  
6 enter a guilty plea, what rights you'd be giving up if  
7 you entered a guilty plea, and the consequences of  
8 entering the guilty plea in your case.

9 I'm going to be asking you some questions, and  
10 it's important that your answers to my questions be  
11 made under oath. And so what I'm going to do is have  
12 you now be sworn in by my deputy, Mr. Manson, and if  
13 you could just follow his instructions, please.

14 THE DEPUTY CLERK: Sorry.

15 Can you please stand. Raise your right hand.

16 Do you solemnly affirm that the answer you're  
17 about to give the Court will be the truth, the whole  
18 truth, and nothing but the truth?

19 THE DEFENDANT: Yes.

20 THE DEPUTY CLERK: You may have a seat.

21 THE COURT: Okay. And, Mr. Chen, do you  
22 understand that now that you've been sworn, your  
23 answers to my questions are subject to what's known as  
24 the penalty of perjury or making a false statement if  
25 you don't answer truthfully?

1 THE DEFENDANT: Understood.

2 THE COURT: Okay. To be clear, what that  
3 means is if I ask you a question and you tell me a lie,  
4 the government can prosecute you for making a false  
5 statement and use the statements you make today in such  
6 a prosecution against you.

7 Do you understand that?

8 THE DEFENDANT: I understand.

9 THE COURT: Okay. And, sir, you are  
10 understanding today's proceedings with the assistance  
11 of an interpreter; is that correct?

12 THE DEFENDANT: Yes.

13 THE COURT: Okay. The first thing, Mr. Chen,  
14 I need you to understand is that this is Judge DeArcy  
15 Hall's case. She is the judge who will sentence you  
16 and make the ultimate decision on whether or not to  
17 accept your guilty plea.

18 Now, you have the absolute right to have her  
19 hear your plea, and there will be no prejudice to you.  
20 Now, as an alternative, I will listen to your plea.  
21 This proceeding is being recorded. A transcript will  
22 be made from the recording, and Judge DeArcy Hall will  
23 review that transcript in connection with your  
24 sentencing and make a decision, a final decision on  
25 whether to accept your plea.

1 Do you understand what I have explained?

2 THE DEFENDANT: I understand.

3 THE COURT: Okay. And do you wish to give up  
4 your right to have Judge DeArcy Hall hear your plea,  
5 and do you wish instead to proceed before me?

6 THE DEFENDANT: Yes.

7 THE COURT: Okay. Has anyone threatened you  
8 or forced you or pressured you to proceed before me?

9 THE DEFENDANT: No.

10 THE COURT: Is your decision to proceed before  
11 me voluntary and of your own free will?

12 THE DEFENDANT: That's correct. I'm  
13 voluntarily making that decision.

14 THE COURT: Okay. I'm going to mark as Court  
15 Exhibit 1, which is a consent form to have a plea taken  
16 by a United States Magistrate Judge. I'm going to read  
17 you what the form says, okay.

18 It says that I, a United States Magistrate  
19 Judge, has informed you of your right to have your plea  
20 taken before a United States District Judge. It says  
21 that, "I have been further advised that I may consent  
22 to have my plea taken before Magistrate Judge Bulsara."

23 You understand -- it says -- that you will  
24 suffer no prejudice if you refuse to consent. You also  
25 understand that if you don't consent, the district



1 judge, rather than the magistrate judge, me, will  
2 conduct the plea allocution. It also says that you  
3 have discussed this matter fully with your lawyer and  
4 that you consent to enter your plea before me. That's  
5 what this form says.

6 Do you understand what I've explained, sir.

7 THE DEFENDANT: I do.

8 THE COURT: Okay. And is this your signature  
9 on the document?

10 THE DEFENDANT: Yes.

11 THE COURT: Okay. I note that Court Exhibit 1  
12 has been signed by the government, by Mr. Chen, by his  
13 lawyer. And, therefore, based on the answers to my  
14 questions, as well as this written consent form, I'm  
15 going to proceed to take his plea.

16 I'm just going to note for the record, I've  
17 made three changes to the consent form and put my  
18 initials next to them, which is that in two places, Mr.  
19 Chen's name was not there, it was just his first name.  
20 And in another place, the word "Judge" had been  
21 omitted. So I've corrected the form and put my  
22 initials on it.

23 Any objection to me doing that?

24 MS. GONZALEZ: No objection.

25 MR. WOMBLE: No objection.

1 THE COURT: Mr. Chen, before I can accept a  
2 plea, I need to ask the person who's making the plea  
3 some questions to make sure that any plea is valid.

4 If you don't understand my questions, please  
5 let me know and I'll rephrase them, okay.

6 Can you tell me your full name?

7 THE DEFENDANT: Xin Jin Chen.

8 THE COURT: Okay. And, Mr. Chen, how old are  
9 you?

10 THE DEFENDANT: 37.

11 THE COURT: Okay. And how far did you get in  
12 school, sir?

13 THE DEFENDANT: Elementary school.

14 THE COURT: Okay. And just to ask again,  
15 you're understanding today's proceedings with the  
16 assistance of an interpreter, correct?

17 THE DEFENDANT: Correct.

18 THE COURT: And, sir, are you currently under  
19 the care of a doctor or psychiatrist for any reason?

20 THE DEFENDANT: No.

21 THE COURT: And in the last 24 hours, have you  
22 had any drugs or medicine or pills?

23 THE DEFENDANT: No.

24 THE COURT: Have you had any alcoholic  
25 beverages in the last 24 hours?

1 THE DEFENDANT: No.

2 THE COURT: Have you ever been hospitalized or  
3 treated for drug addiction or alcoholism?

4 THE DEFENDANT: No.

5 THE COURT: Have you ever been treated or  
6 hospitalized for any mental or emotional health  
7 condition?

8 THE DEFENDANT: No.

9 THE COURT: Okay. And, sir, is your mind  
10 clear?

11 THE DEFENDANT: Yes.

12 THE COURT: You understand what's going on  
13 here today?

14 THE DEFENDANT: I do.

15 THE COURT: Now, Mr. Chen, as someone who has  
16 been charged in a federal criminal case, you have  
17 certain rights. One of your rights is to have a  
18 lawyer, a right to counsel. And you have a right to  
19 have a lawyer represent you at all stages of your case  
20 from the time you're arrested or charged, to however  
21 your case may end, including through any trial or any  
22 appeal. And if you couldn't afford a lawyer, the Court  
23 would appoint one for you.

24 Do you understand what I've explained?

25 THE DEFENDANT: I do understand.

1                   THE COURT:   Okay.   And is Mr. Womble your  
2   lawyer?

3                   THE DEFENDANT:   Yes.

4                   THE COURT:   Okay.   And if at any time you wish  
5   to speak with him for any reason at all, because you  
6   have a question, maybe you want reassurance, any reason  
7   at all, I will permit you to do so.   You just have to  
8   let me know, okay?

9                   THE DEFENDANT:   Okay.   All right.

10                  THE COURT:   Have you had any difficulty  
11   meeting or communicating with him?

12                  THE DEFENDANT:   No.

13                  THE COURT:   Have you had enough time to  
14   discuss with him your decision to enter a guilty plea  
15   in your case?

16                  THE DEFENDANT:   Yes, I have.

17                  THE COURT:   Are you fully satisfied with the  
18   representation and advice that he's given to you?

19                  THE DEFENDANT:   That's right.   I'm entirely  
20   satisfied.

21                  THE COURT:   Okay.

22                  And, counsel, have you discussed with your  
23   client what it means to enter a guilty plea?

24                  MR. WOMBLE:   Yes.

25                  THE COURT:   And have you had any difficulty

1 meeting with him or discussing his case or this  
2 decision today with him?

3 MR. WOMBLE: None whatsoever.

4 THE COURT: Are you fully satisfied that he  
5 understands the rights he'd be waiving if you were to  
6 enter a guilty plea today?

7 MR. WOMBLE: Yes, Your Honor.

8 THE COURT: And you believe he's capable of  
9 understanding today's proceedings?

10 MR. WOMBLE: Yes, I am.

11 THE COURT: Do you have any doubt at all about  
12 his competence to enter a guilty plea today?

13 MR. WOMBLE: Not at all.

14 THE COURT: Have you discussed with him the  
15 maximum and minimum sentence and fine that could be  
16 imposed upon him on the charges if he were to enter a  
17 guilty plea?

18 MR. WOMBLE: Yes, I have.

19 THE COURT: And have you discussed with him  
20 the sentencing guidelines and how the guidelines might  
21 affect his case?

22 MR. WOMBLE: Yes, I have.

23 THE COURT: And when you had these  
24 discussions, did you have the assistance of an  
25 interpreter?

1 MR. WOMBLE: Yes, we did.

2 THE COURT: Mr. Chen, did you have an  
3 opportunity to discuss the indictment that was filed  
4 against you?

5 In other words, the document that contains the  
6 charges, did you have an opportunity to discuss that  
7 with your lawyer?

8 THE DEFENDANT: Yes, I have.

9 THE COURT: Okay. And you believe you  
10 understand what you've been charged with, sir?

11 THE DEFENDANT: I do.

12 THE COURT: Okay. And, Counsel, did you have  
13 either orally or in written form, the indictment  
14 translated for Mr. Chen?

15 MR. WOMBLE: Yes, Your Honor. I had all of  
16 the particular documents at issue with this plea  
17 hearing translated for my client. And as CJA counsel,  
18 those that were germane to share with other counsel, I  
19 did that as well as a cost saving measure.

20 THE COURT: Okay.

21 Now, Mr. Chen, I'm going to explain to you  
22 what the government has charged in this indictment,  
23 okay. And in what's known as Count 11, okay, the  
24 government has charged you with a felony that's called  
25 a money laundering conspiracy, okay.

1           And in Count 11, the government alleges that  
2     you were a member of a conspiracy, that you joined  
3     what's known as an illegal agreement, and the objective  
4     of that, or purpose of that agreement was money  
5     laundering.

6           And specifically, the government alleges that  
7     the objective or purpose of that conspiracy was to use  
8     financial institutions and engage in financial  
9     transactions using proceeds that were derived from or  
10    came from certain unlawful activity. And the  
11    government alleges that the amounts involved were  
12    greater than \$10,000. And the proceeds at issue were  
13    derived from or came from certain illegal activity and  
14    specifically wire fraud.

15           Do you understand what I've explained, sir?

16           THE DEFENDANT: I do.

17           THE COURT: Now, Mr. Chen, when someone pleads  
18    guilty to a felony offense in federal court, they're  
19    giving up their right to trial. And when they're doing  
20    that, they're giving up their right to have a jury  
21    determine their guilt. In order for you to fully  
22    understand what it means to give up that right, I'm  
23    going to explain to you what happens during a jury  
24    trial.

25           In a jury trial in a federal criminal case,

1 it's the government that has the burden of proof, and  
2 it's their burden to prove your guilt. And they've got  
3 to prove your guilt, what's known as beyond a  
4 reasonable doubt, and you don't have to prove your  
5 innocence.

6 Do you understand?

7 THE DEFENDANT: Understood.

8 THE COURT: Now, in order for the government  
9 to get a jury to return a guilty verdict against you on  
10 this Count 11, money laundering conspiracy, they have  
11 to prove certain things. Those things are called  
12 elements, okay. And what I'm going to do is explain to  
13 you what the government would have to prove for a jury  
14 to return a guilty verdict against you on this charge  
15 in Count 11.

16 Do you understand what I'm about to explain to  
17 you?

18 THE DEFENDANT: I understand that.

19 THE COURT: Okay. Now, as I mentioned, the  
20 government alleges or charges in count eleven that  
21 there was a conspiracy to commit money laundering. For  
22 the government to have a jury return a guilty verdict  
23 on that charge, they've got to show that two or more  
24 people joined an unlawful agreement and that you became  
25 a member of that unlawful agreement with a knowledge



1 and intention to join that conspiracy. And they've got  
2 to show that the objective of that agreement was  
3 illegal, and here specifically, the objective was money  
4 laundering.

5 In other words, they've got to show that the  
6 purpose of that agreement was to commit money  
7 laundering. Well, what is money laundering? That's  
8 when someone engages in a transaction that affects  
9 interstate commerce, which means that it could be money  
10 that crosses state or international lines, or the money  
11 was sent using wires or means that cross international  
12 lines.

13 It also means that the money or transactions  
14 involve proceeds that are greater than \$10,000, and the  
15 proceeds are derived from illegal activity, and the  
16 people engaged in that transaction are doing so with  
17 the knowledge that the proceeds are derived from  
18 illegal activity. And in order for someone to be money  
19 laundering, the transaction has to either take place in  
20 the United States or the person being charged with it  
21 has to be a US citizen or national or permanent  
22 resident.

23 So to recap, the government has alleged that  
24 you're a member of an illegal agreement or conspiracy  
25 to engage in money laundering. To prove that, they've

1 got to show that there is an agreement by two or more  
2 people, and the purpose of that agreement was money  
3 laundering. They've got to prove that you became a  
4 member of that agreement. And I've explained to you,  
5 in order for you to understand what money laundering  
6 is, I've defined that for you in greater detail. The  
7 government has to show that that was the purpose of the  
8 agreement that you intentionally and with knowledge  
9 became a member of.

10 Do you understand what I've explained, sir?

11 THE DEFENDANT: Understood.

12 THE COURT: Okay. Does the government believe  
13 I correctly summarized the charge and the elements?

14 MS. GONZALEZ: Yes, Your Honor.

15 THE COURT: Counsel, do you agree?

16 MR. WOMBLE: Yes.

17 THE COURT: Now, Mr. Chen, what I'd like to go  
18 over now with you is the rights you have and the rights  
19 you'd be giving up if you enter a guilty plea.

20 First of all, you previously entered a plea of  
21 not guilty. You have the right to plead not guilty,  
22 and you have the right to continue forward with your  
23 not guilty plea. Do you understand that?

24 THE DEFENDANT: Understood.

25 THE COURT: Now, what that means is that even

1 if you're guilty, you have a choice. It's up to you to  
2 decide what to do, not your lawyer, not the government,  
3 not me, not anyone else.

4 If you wish, you can keep your not guilty plea  
5 and proceed to trial on the charges in the indictment,  
6 or you can withdraw your not guilty plea and enter plea  
7 of guilty today, which is what I understand you wish to  
8 do.

9 THE DEFENDANT: Yes.

10 THE COURT: Do you understand what I've  
11 explained to you?

12 THE DEFENDANT: Understood all of it.

13 THE COURT: Okay. If you were to continue  
14 with your not guilty plea, you're entitled to, under  
15 the Constitution and laws of the United States, to  
16 what's known as a speedy and public trial, and as I  
17 mentioned, before a jury. And you would have the  
18 assistance of your lawyer at the jury trial, and the  
19 trial would be about the charges that are contained in  
20 this indictment.

21 Do you understand that?

22 THE DEFENDANT: Understood.

23 THE COURT: Okay. And as I mentioned before,  
24 if you did have a trial, at a trial, you'd be presumed  
25 innocent. You wouldn't have to prove your innocence.

1 And as I mentioned before, under the Constitution and  
2 laws of the United States, it's the government that  
3 bears the burden of proof, and it's got to prove those  
4 things that I went over with you in order for the jury  
5 to return a guilty verdict, and they've got to do that  
6 beyond a reasonable doubt.

7 If the government failed to prove its case  
8 against you beyond a reasonable doubt, the jury would  
9 be required to return a not guilty verdict in your  
10 favor.

11 Do you understand that?

12 THE DEFENDANT: I understand.

13 THE COURT: Okay. Now, during a trial,  
14 witnesses for the government would come forward and  
15 they'd have to testify in your presence in court. Your  
16 lawyer would have an opportunity to cross examine those  
17 witnesses, also to offer argument on your behalf, also  
18 to object to evidence offered by the government and to  
19 offer evidence on your behalf if that's what you wish  
20 to do.

21 Do you understand that?

22 THE DEFENDANT: Understood.

23 THE COURT: Okay. Your lawyer would also have  
24 the right and ability to subpoena or compel, which  
25 means to force witnesses to come to court to testify in

1 your case.

2 Do you understand that?

3 THE DEFENDANT: Understood.

4 THE COURT: Now, if you had a trial and if you  
5 wanted to testify in your own case, you could do that.

6 On the other hand, you could not be forced to  
7 testify. And that's because under the Constitution and  
8 laws of the United States, no person can be forced to  
9 be a witness against himself or herself. So if you had  
10 a criminal trial, and you chose not to testify, Judge  
11 DeArcy Hall would be required to inform the jury that  
12 they could not hold that fact -- meaning they could not  
13 hold your decision not to testify in your own case --  
14 the jury could not hold that against you in deciding  
15 whether the government met its burden of proof.

16 Do you understand that?

17 THE DEFENDANT: Understood.

18 THE COURT: Now, if instead of going to trial,  
19 you plead guilty to a charge today and Judge DeArcy  
20 Hall accepts your plea, you're giving up your right to  
21 trial and each of the other rights I have just  
22 mentioned. There will not be a trial in this case.  
23 The Court will simply enter a judgment of guilty based  
24 upon the proceedings today.

25 Do you understand that?

1 THE DEFENDANT: Understood.

2 THE COURT: Okay. Now, if you do decide to  
3 plead guilty, and you do, in fact, plead guilty today,  
4 I have to actually ask you questions about what you did  
5 in order to satisfy myself and Judge DeArcy Hall that  
6 you are, in fact, guilty of the crime that you are  
7 pleading guilty to.

8 And what that means is you have to answer my  
9 questions, you have to acknowledge your guilt. But  
10 most importantly, it means you are giving up your right  
11 not to be a witness against yourself.

12 Do you understand that?

13 THE DEFENDANT: Understood.

14 THE COURT: Okay. Also, if you enter a guilty  
15 plea today, and if you admit to criminal conduct and  
16 Judge DeArcy Hall accepts your guilty plea, you cannot  
17 appeal to a higher court about whether or not you  
18 committed that crime.

19 Do you understand that that would be over by  
20 your guilty plea?

21 THE DEFENDANT: Understood.

22 THE COURT: And are you willing to give up  
23 your right to trial and each of the other rights I've  
24 mentioned?

25 THE DEFENDANT: Yes.

1           THE COURT: Okay. I'm going to mark a Court  
2 Exhibit 2, an agreement, a plea agreement that I know  
3 is signed by the government, it's signed by Mr. Chen,  
4 it's signed by his lawyer, and it notes that it's been  
5 translated, and it has the translator's signature on  
6 the document.

7           Mr. Chen, did you review this agreement  
8 carefully?

9           THE DEFENDANT: Yes, I did.

10          THE COURT: And you discussed it with your  
11 lawyer?

12          THE DEFENDANT: Yes, I did.

13          THE COURT: You believe you understand it?

14          THE DEFENDANT: I understand.

15          THE COURT: Okay. Do you have any questions  
16 about it?

17          THE DEFENDANT: No.

18          THE COURT: And Ms. Gonzalez, is there  
19 anything that falls within paragraph 18 of the  
20 agreement?

21          MS. GONZALEZ: No. There have been no  
22 promises, agreements or conditions other than the plea  
23 agreement.

24          I would just also note in the plea agreement  
25 in paragraph three, the parties crossed out the

1 February 29th date and replaced it with today's date  
2 and re-initialed it.

3 THE COURT: Okay. And with that, does the  
4 government represent that Court Exhibit 2 is the  
5 entirety of the understanding they've reached with Mr.  
6 Chen?

7 MS. GONZALEZ: It is, Your Honor.

8 THE COURT: Okay. And, Counsel, have you  
9 reviewed Court Exhibit 2 with your client?

10 MR. WOMBLE: Yes, Your Honor.

11 THE COURT: And is it, in fact, correct that  
12 it was translated for him, either orally, word for word  
13 or in writing?

14 MR. WOMBLE: It was translated in writing and  
15 a copy was provided to my client.

16 THE COURT: Okay. And you discussed the  
17 document with him?

18 MR. WOMBLE: Yes.

19 THE COURT: Okay. And is it correct that this  
20 document is the entirety of the understanding that your  
21 client has reached with the government?

22 MR. WOMBLE: That is correct.

23 THE COURT: Okay. Mr. Chen, is there any  
24 particular provision of this document that you need  
25 explained in further detail?



1 THE DEFENDANT: No need.

2 THE COURT: Okay. Outside of this agreement,  
3 is there any other promise that the government or  
4 anyone else has made to you that's causing you to plead  
5 guilty today?

6 THE DEFENDANT: Yes.

7 THE COURT: Outside of this agreement, there  
8 are other promises that have been made to you?

9 THE DEFENDANT: No.

10 THE COURT: Okay. Do you need a moment to  
11 talk to your lawyer?

12 MR. WOMBLE: Do you have a question?

13 THE DEFENDANT: No, I don't know have a  
14 question.

15 I need to understand the question about the  
16 promise.

17 THE COURT: Okay, I understand.

18 So now you understand what I've asked,  
19 correct?

20 THE DEFENDANT: Now I understand you now.  
21 Earlier, I apologize for my misunderstanding.

22 THE COURT: No need to apologize.

23 So, sir, I'm required to explain certain  
24 things in this agreement to you, even if you say you  
25 understand it. And that's what I'm going to do now,

1     okay.

2             Now, the first thing I'm going to explain to  
3     you are what the terms of imprisonment and fine that  
4     can be imposed upon you for this charge, okay.

5             For money laundering conspiracy, the minimum  
6     time in prison is zero years, and the maximum time is  
7     ten years. After someone is released from federal  
8     prison, they are subject to the supervision of the  
9     probation department, which enforces certain conditions  
10    under which they are released.

11            Now, those things include conditions like  
12    don't commit another crime. How long can you be under  
13    the supervision of the probation department? How long  
14    can you be under supervised release? The maximum  
15    amount of time is three years. Now, you're subject to  
16    an additional two years in prison if you were to  
17    violate a condition of your release, okay.

18            You're also subject to a fine. The fine is  
19    the greater of \$250,000 or twice the gross gain or  
20    loss, or twice the amount of the value of the property  
21    derived from the illegal transactions.

22            You're also subject to what's known as a  
23    restitution obligation. Those are payments to victims  
24    to compensate them for their losses, and that's in an  
25    amount the Court will determine.

1           You're also subject to what is known as  
2     forfeiture, which I will describe in detail in a  
3     moment. Forfeiture is when you have to give up your  
4     rights to certain property, money or things that are  
5     considered to be derived from or related to your  
6     criminal activity. And you're also subject to a  
7     mandatory \$100 special assessment fee. And you're also  
8     subject to potential removal from the United States,  
9     which I will also discuss with you in detail.

10           Do you understand what I've explained thus  
11     far?

12           THE DEFENDANT: Understood.

13           THE COURT: Okay. Now, there is on page two,  
14     paragraph two of this agreement, in this paragraph for  
15     three offenses, it says that you are agreeing that you  
16     engaged in certain conduct as if you had been convicted  
17     of the charges -- of the counts charging those  
18     offenses.

19           What does that mean? The indictment, which is  
20     the charging document has a number of other felonies  
21     that you're charged with besides Count 11, okay. And  
22     those are in Count 4, 9 and 29, okay. Basically, those  
23     are charges of bank fraud, unlicensed money  
24     transmitting business and passport fraud.

25           In this paragraph, it says that you are

1       agreeing that the Court can consider that you have  
2       engaged in the conduct that is alleged in those counts.  
3       And, in fact, the Court can treat it like you've been  
4       convicted of those offenses, and you're agreeing to  
5       that.

6               Do you understand that?

7               THE DEFENDANT: I agree.

8               THE COURT: Okay. It also says that because  
9       you are agreeing that the Court can act as if you had  
10      been convicted of those offenses, you're waiving your  
11      right to a jury trial on those offenses, and you're  
12      waiving your right to what's known as a *Fatico* hearing  
13      or an evidentiary hearing about what facts -- about  
14      what actually happened. Do you understand that? That  
15      you're waiving your rights to an evidentiary hearing in  
16      a jury trial on these offenses that the Court is going  
17      to consider as if you'd been convicted of them?

18              THE DEFENDANT: Yes.

19              THE COURT: Okay. And do you understand that  
20      what it ultimately means, that the Court is going to  
21      proceed as if you have been convicted of these three  
22      other offenses and that the Court can consider that in  
23      determining what your sentence may be, and it could  
24      lead to a higher sentence.

25              Do you understand that?

1 THE DEFENDANT: Understood.

2 THE COURT: Okay. Now, I'm going to explain  
3 to you the sentencing guidelines in a few minutes. But  
4 before I do that, I want to explain a couple other  
5 provisions of this agreement.

6 In paragraph five, okay, I'm going to read you  
7 the sentence so it is translated. Paragraph five says,  
8 and I quote, "The defendant agrees not to file an  
9 appeal or otherwise challenge the conviction or  
10 sentence in the event the Court imposes a term of  
11 imprisonment of 41 months or below."

12 This means that should Judge DeArcy Hall give  
13 you a sentence of 41 months or less, you're agreeing  
14 you will not appeal either your conviction or your  
15 sentence.

16 Do you understand that?

17 THE DEFENDANT: I understand.

18 THE COURT: Okay. In paragraph seven, this  
19 contains the -- and that's on page seven, that contains  
20 the forfeiture obligation.

21 Pursuant to this paragraph, it says you're  
22 giving up your right to \$77,450.07 the government  
23 believes was related to your criminal property --  
24 criminal activity, excuse me.

25 THE DEFENDANT: I understand.

1           THE COURT: And other paragraphs say that you  
2 will assist the government in trying to recover those  
3 proceeds.

4           Do you understand that?

5           THE DEFENDANT: I understand.

6           THE COURT: And it also provides that you're  
7 obligated to pay those monies to the government as part  
8 of this agreement you're reaching with them.

9           Do you understand that?

10          THE DEFENDANT: Understand.

11          THE COURT: Okay. And it also provides that  
12 you have to disclose your financial assets and your  
13 financial condition to the government.

14          Do you understand that?

15          THE DEFENDANT: I understand.

16          THE COURT: Okay. If you plead guilty to a  
17 felony and the felony charged in Count 11, do you  
18 understand it could lead to your removal from the  
19 United States, if you're not a US citizen?

20          THE DEFENDANT: I understand.

21          THE COURT: Okay. And do you understand that  
22 your removal from the United States, that's a separate  
23 proceeding. That's an immigration proceeding, and it's  
24 not decided in this courthouse, and it's not decided by  
25 Judge DeArcy Hall.

1 Do you understand that?

2 THE DEFENDANT: I understand.

3 THE COURT: And do you understand that if you  
4 plead guilty to this felony, your removal from the  
5 United States may, in fact, be automatic?

6 THE DEFENDANT: I understand.

7 THE COURT: Okay. Paragraph 17, okay, it  
8 discusses circumstances in which the government would  
9 move for a reduction in your guidelines calculation if  
10 certain things happened, and specifically certain other  
11 people pled guilty, okay. And do you understand,  
12 because the date for those defendants to plead guilty  
13 has come and gone, as of now, the government is not  
14 going to seek to have the sentence reduced based upon a  
15 global agreement, meaning based upon other defendants  
16 also pleading guilty.

17 Do you understand that's not going to happen  
18 as of now?

19 THE DEFENDANT: I understand.

20 THE COURT: Are you still willing to proceed  
21 forward in pleading guilty today even though the  
22 government is not going to seek to have a reduction in  
23 the calculation based upon this?

24 THE DEFENDANT: Yes, I will plead guilty.

25 THE COURT: Okay. Is there any other

1 provision the government -- I will discuss the  
2 guidelines in a moment, besides the guidelines that the  
3 government wishes me to go over with Mr. Chen?

4 MS. GONZALEZ: I don't believe so.

5 THE COURT: Okay. Counsel?

6 MR. WOMBLE: No, Your Honor.

7 THE COURT: Okay. Mr. Chen, I'm going to  
8 explain to you how Judge DeArcy Hall will determine  
9 what sentence to impose upon you, okay.

10 As a first step, she will consider what are  
11 known as the advisory federal sentencing guidelines to  
12 determine what a reasonable sentence in your case would  
13 be. The sentencing guidelines are issued by a federal  
14 agency known as the United States Sentencing  
15 Commission.

16 What does it mean that they're advisory  
17 guidelines? The guidelines lead to a calculation of  
18 what's known as a guidelines range, which is a term or  
19 amount of time imprisonment. It's a range of time in  
20 prison. They're advisory, which means that they're not  
21 mandatory, meaning Judge DeArcy Hall is not required to  
22 give you a sentence in that range, okay. But she is  
23 required to conduct or calculate what that range is,  
24 even if she's not required to give you a sentence in  
25 that range. And that's because the guidelines range,



1       that calculation, it's an important part of sentencing.

2               Do you understand that?

3               THE DEFENDANT:   I do.

4               THE COURT:   And you've discussed the  
5       sentencing guidelines with your lawyer?

6               THE DEFENDANT:   Yes, I have.

7               THE COURT:   Now, as a second step, Judge  
8       DeArcy Hall will determine whether there are any  
9       factors that will allow her to depart either upwardly  
10      or downwardly from the guidelines calculation.

11              In other words, impose a sentence that is  
12      either more severe or less severe than the guidelines  
13      range.  In addition, there's a federal sentencing law,  
14      and it requires Judge DeArcy Hall to consider certain  
15      factors in determining what your sentence should be.

16              What are those factors?  Those are things like  
17      what you did, your background, your facts and  
18      circumstances, in other words.  And it may be what's  
19      known as a non-guideline sentence, would be  
20      appropriate.

21              The bottom line of all of this is that until  
22      your actual data sentencing, you can't know with  
23      certainty what the guidelines calculation will be,  
24      whether there are grounds to depart upwardly or  
25      downwardly, or whether a non-guideline sentence is

1 appropriate in your case.

2 Do you understand what I've explained, sir?

3 THE DEFENDANT: I do.

4 THE COURT: We currently don't have a  
5 sentencing date yet. Judge DeArcy Hall will set one,  
6 and if that date needs to be changed, you can contact  
7 her chambers.

8 Mr. Chen, prior to your sentencing date,  
9 you're going to be interviewed by the probation  
10 department. The probation department will issue what's  
11 known as a pre-sentence investigation report. That  
12 will report certain facts and circumstances, like what  
13 you did, your background, things like that. You will  
14 have an opportunity to review that report with your  
15 lawyer, and to challenge any of the facts that are  
16 reported by the probation department.

17 The report will also recommend a guideline  
18 range to Judge DeArcy Hall.

19 Do you understand what I've explained?

20 THE DEFENDANT: I do.

21 THE COURT: Now, despite what I've said, it's  
22 important for you to know what the potential guideline  
23 sentence may be, based upon facts that are known now.

24 You have to understand that this is a guess  
25 that could be wrong. Do you understand we're about to

1 discuss an estimate, a guess, really, about what your  
2 guidelines range would be?

3 THE DEFENDANT: I understand.

4 THE COURT: Okay. And what is the  
5 government's guidelines estimate?

6 MS. GONZALEZ: The government has calculated  
7 the defendant to be a criminal history category of one,  
8 and based on Count 11 and the stipulated conduct of  
9 bank fraud, unlicensed money transmitting business, and  
10 passport fraud, and applying a three point reduction in  
11 the offense level for acceptance of responsibility and  
12 proceeding on or before today, the government has  
13 calculated a sentencing guidelines of 30 to 37 months  
14 imprisonment.

15 THE COURT: Okay. And that does not -- I'm  
16 just confirming -- include any reduction for a global  
17 resolution, correct?

18 MS. GONZALEZ: That is correct, Your Honor, it  
19 does not.

20 THE COURT: Okay. Mr. Chen, the government's  
21 estimate of the guidelines range for you is a range of  
22 imprisonment of 30 to 37 months, okay. And in the plea  
23 agreement, it says that, "The Defendant stipulates to  
24 the above guidelines calculation," which means that  
25 you're agreeing that this is the calculation that leads

1 to this range.

2 Do you understand that?

3 THE DEFENDANT: Yes.

4 THE COURT: Now, do you understand that this  
5 estimate or guess, it's not binding on Judge DeArcy  
6 Hall, it's not binding on the probation department,  
7 it's not even binding on the government.

8 Do you understand that?

9 THE DEFENDANT: That's right.

10 THE COURT: Okay. And do you understand that  
11 if that estimate that we just discussed is wrong, you  
12 will not be able to withdraw your guilty plea?

13 THE DEFENDANT: I understand that.

14 THE COURT: Okay. Counsel, have you provided  
15 your client with an estimate? I don't need to know  
16 what it is, but you've provided with him an estimate of  
17 the guidelines range?

18 MR. WOMBLE: Yes.

19 THE COURT: Mr. Chen, do you understand that  
20 if your lawyer's estimate of the guideline range is  
21 wrong, you can't withdraw your guilty plea?

22 THE DEFENDANT: I understand.

23 THE COURT: Okay. The point here is Judge  
24 DeArcy Hall is not bound by anything in this agreement,  
25 okay. She's not bound by what the government says,

1     what your lawyer says. She can sentence you based upon  
2     her interpretation and her understanding of the  
3     guidelines range and the sentencing laws. And although  
4     the guidelines range will be an important part of her  
5     sentencing, she can decide on a sentence that's either  
6     more severe or less severe than that range, or, as I  
7     mentioned, impose a non-guideline sentence entirely.

8             Do you understand?

9             THE DEFENDANT: I do.

10            THE COURT: Okay. Now, also, under the  
11     federal sentencing guideline system, for individuals  
12     who are sentenced now under the federal system, there  
13     is no right to a parole board or parole commission to  
14     get out early.

15            What that means is, practically speaking,  
16     whatever sentence you do receive from Judge DeArcy  
17     Hall, that's going to come pretty close to the amount  
18     of time you actually spend in prison, because for  
19     individuals sentenced now in the federal system, there  
20     is no parole board or parole commission to appeal to,  
21     to say, hey, I'd like to get out earlier.

22            Do you understand that?

23            THE DEFENDANT: I do.

24            THE COURT: Okay. And is there anything that  
25     you want to ask me about, anything at all, what you're

1 charged with, what your rights are, or anything else  
2 that may not be clear to you?

3 THE DEFENDANT: No, I don't.

4 THE COURT: Okay. And so are you ready to  
5 plead?

6 THE DEFENDANT: Yes, I'm ready.

7 THE COURT: Okay. Mr. Womble, are you aware  
8 of any reason your client should not enter a guilty  
9 plea to Count 11 in the indictment?

10 MR. WOMBLE: No, Your Honor.

11 THE COURT: Are you aware of any complete  
12 legal defense to that charge that would prevail at a  
13 trial?

14 MR. WOMBLE: No, I'm not.

15 THE COURT: Okay. Mr. Chen, how do you plead  
16 to Count 11, money laundering conspiracy; guilty or not  
17 guilty?

18 THE DEFENDANT: Guilty.

19 THE COURT: Okay. And are you making this  
20 guilty plea voluntarily and of your own free will?

21 THE DEFENDANT: That's correct.

22 THE COURT: Has anyone threatened you or  
23 forced you or pressured you in any way to plead guilty?

24 THE DEFENDANT: No.

25 THE COURT: And outside of the agreement we

1 talked about today, has anyone made you any other  
2 promises that are causing you to plead guilty today?

3 THE DEFENDANT: No.

4 THE COURT: Has anyone promised you what  
5 sentence you would receive from Judge DeArcy Hall if  
6 you entered a guilty plea today?

7 THE DEFENDANT: No.

8 THE COURT: Okay. Can you tell me in your own  
9 words what you did that's leading you to enter a plea  
10 and leading you to believe that you're guilty of a  
11 crime?

12 Okay. Hold on one second. Just to make sure  
13 the record is clear, I understand that Mr. Chen is  
14 going to read a statement. I'll ask that he read the  
15 statement from beginning to end without interruption,  
16 and then I'll have it translated, okay?

17 THE DEFENDANT: Yes, I will do that, Your  
18 Honor.

19 THE COURT: Great. Thank you so much.

20 So, Mr. Chen, whenever you're ready to  
21 proceed, go ahead.

22 THE DEFENDANT: Between May 2021 and August  
23 2022 in the Eastern District of New York, I knowingly  
24 and intentionally agreed with others to conduct  
25 electronic money transfers through local banks

1 involving funds obtained unlawfully from the T5 fraud  
2 scheme.

3 I deposited over \$10,000 of unlawfully  
4 obtained money into a bank account that I control, and  
5 then transferred that same money from the account to  
6 other accounts that I was told to by my coconspirator.

7 I knew at the time that what I was doing was  
8 illegal, and I know that what I did was wrong.

9 THE COURT: Okay. And Mr. Chen, you just read  
10 a statement out loud. Did you actually take the  
11 actions and do the things you described in your  
12 statement?

13 THE DEFENDANT: That's right. Yes, I did.

14 THE COURT: Okay. And one other question.  
15 You said that you took certain actions in depositing  
16 money in one bank.

17 Did you know the money that you were dealing  
18 with was proceeds from illegal activity?

19 THE DEFENDANT: Yes, I was aware of that.

20 THE COURT: Okay. I don't believe any other  
21 follow up is needed.

22 MS. GONZALEZ: Just to be absolutely clear,  
23 that the electronic money transfers affected interstate  
24 commerce.

25 THE COURT: Okay. Would the defendant



1 stipulate that the money transfers affected interstate  
2 commerce?

3 MR. WOMBLE: We will stipulate.

4 THE COURT: Does the defendant also stipulate  
5 that those transactions involved -- took place in the  
6 United States?

7 MR. WOMBLE: Yes.

8 THE COURT: Okay. Anything else from the  
9 government on the factual basis?

10 MS. GONZALEZ: No, Your Honor.

11 THE COURT: Okay. Based on the information  
12 that's been given to me, I find that Mr. Chen is acting  
13 voluntarily, that he fully understands the charges  
14 against him, he understands his rights, he understands  
15 the consequences of his plea, and there's a factual  
16 basis for his guilty plea to this Count 11 in the  
17 indictment.

18 It is, therefore, my recommendation to Judge  
19 DeArcy Hall to accept his guilty plea to Count 11 of  
20 the indictment.

21 Okay. What's the government's position on  
22 bail?

23 MS. GONZALEZ: The government is not seeking  
24 detention at this time.

25 THE COURT: Okay. Any change in any bail

1 conditions?

2 MS. GONZALEZ: The government is not seeking  
3 any change.

4 THE COURT: Okay. Mr. Chen, you're going to  
5 be released today on the same conditions that you have  
6 been subject to from before.

7 Do you understand that?

8 THE DEFENDANT: I understand.

9 THE COURT: Okay. And do you understand that,  
10 as you were informed before, there are consequences to  
11 violating those conditions?

12 THE DEFENDANT: I understand.

13 THE COURT: Okay. And do you understand that  
14 there could be another consequence, which is that now  
15 that you've pledged guilty and you are going to be  
16 sentenced by Judge DeArcy Hall, she could consider your  
17 conduct moving forward in deciding what sentence to  
18 impose upon you.

19 Do you understand that?

20 THE DEFENDANT: I understand.

21 THE COURT: Okay. Do you have any questions  
22 about your conditions or the consequences of your bail?

23 THE DEFENDANT: No.

24 THE COURT: Anything else from the government?

25 MS. GONZALEZ: No, Your Honor.

1 THE COURT: Anything else from defense  
2 counsel?

3 MR. WOMBLE: No, Your Honor.

4 THE COURT: Okay. I wish you all good health.  
5 Have a nice day. Thank you.

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C E R T I F I C A T E

I, Adrienne M. Mignano, certify that the foregoing transcript of proceedings in the case of United States of America v. Xin Jin Chen; Docket #22CR458 was prepared using digital transcription software and is a true and accurate record of the proceedings.

Signature Adrienne M. Mignano  
ADRIENNE M. MIGNANO, RPR

Date: March 22, 2024